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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,035	06/11/2001	Toshihiko Munetsugu	P21107	9810
7055	7590	08/24/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			TRAN, QUOC A	
		ART UNIT		PAPER NUMBER
		2176		

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/877,035	MUNETSUGU ET AL.	
	Examiner Quoc A. Tran	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4, 11-13 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4, 11-13 and 21-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2003, 2003, 2001</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is responsive to Amendment A, filed May. 26, 2005, which claimed benefit of Japan 2000-177955 filed Jun. 14, 2000 and Japan 2001-159409 filed May. 28, 2001.
2. Claims 1-4, 11-13 and 21-27 are pending. Applicant's amended claims 1, 2, 4, 11-13, cancelled claims 5-10, 14-20, and added new claims 22-27. Claims 1 and 11 are independent claims.

### **Response to Arguments**

3. Applicant's arguments with respect to claims 1-4, 11-13 and 21-27, have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Regarding to Applicant's arguments directed toward the un-amended claim 3. It is noted, that SMIL 1.0 Specification fairly teaches and/or suggests the claim limitation, however Applicant's amendment of independent claims 1 and 11, changing the scope of the invention as whole, which is necessitated the new ground(s) of rejection to un-amended claim 3, which is presented in this Office action.

### **Claim Rejections - 35 USC § 112**

4. **The following is a quotation of the first paragraph of 35 U.S.C. 112:**

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 12, 13, 21, and 26 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which

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was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There are new matters in claims. Evidence that claims 12, 13, 21, and 26 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the reply filed May. 26,2005. In that paper, applicant has stated:

... Client-server ...representer...one of a representative image..., see claims 12, 13, 21 pages 5-6, and claim 26 pages 7, and these statements indicate that the invention is different from what is defined in the claim(s) because: ... client-server, ...representer,...one of a representative image....., which are new matter, that are not supported by the original specification filed Jun. 11, 2001, see, "SPECIFICATION", pages 72, lines 5-10 and page 93 lines 4-5. Clarification and/or correction are required.

**5. The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12, 13, 21, and 26 rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims 12, 13, 21, and 26 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the reply filed May. 26,2005. In that paper, applicant has stated:

... client-server ...representer...one of a representative image..., see claims 12, 13, 21 pages 5-6, and claim 26 pages 7, and these statements indicate that the invention is different from what is defined in the claim(s) because: ... client-server, ...representer,...one of a representative image....., which are not supported by the original specification filed Jun. 11, 2001, see, "SPECIFICATION", pages 72, lines 5-10 and page 93 lines 4-5. For examining purpose,

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Examiner reads the above as specify in the Applicant's invention Specification such as: server client, distribution a representative part of media content image. Clarification and/or correction are required.

### **Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-4, 11-13 and 21-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. US005969716A - filed Aug. 6, 1996 (hereinafter Davis '697), in view of Jain et al. US006360234B2 - filed Aug. 14, 1998 (hereinafter Jain'234).

**In regard to independent claim 1, analyzer that receives as input structure description data in which media content is described** (Davis '697 at col. 2, lines 50-55, discloses an automatic time-based media processing system, wherein the media signal is processed in a media parser to obtain descriptive representation of its content), **the media content being continuous audiovisual information** (Davis '697 at col. 2, lines 53-67, discloses the representation of the media signal, such as its prosody (i.e., its pitch pattern), or in the case of music, its chord structures), **the structure description data describing types of media included in the media content** (Davis '697 at col. 2, lines 31-67, discloses a media parser to obtain descriptive representations of its contents. Each content representation is data that provides information about the media signal, and is functionally dependent on the media signal,

such as: frames, timecodes, movies, television programs, music videos, etc.), **and a plurality of segments that use the media. Expressed in time information, wherein the analyzer extracts the time information of the segments from the structure description data** (Davis '697 at col. 11, line 38 through col. 12, line 5, also see Fig. 8, discloses a media parser to obtain descriptive representations of its contents, wherein FIG. 8 illustrates a graphical user interface that can be presented on the screen of the display (item 28), this user interface consists of a number of different sections, which are arranged in columnar form, such as: the media signals, and content representations of them, a timeline format, a ruler (item 36), that depicts increments of time, e.g. seconds or any suitable metric can be represented by the ruler, for example the indices of the events in a sequential), **a converter that automatically organizes the types of media** (Davis '697 at col. 11, line 38 through col. 12, line 5, also see Fig. 8, discloses a media parser to obtain descriptive representations of its contents, wherein FIG. 8 illustrates a graphical user interface that can be presented on the screen of the display (item 28), this user interface consists of a number of different sections, which are arranged in columnar form, such as: the media signals, and content representations of them, a timeline format, a ruler (item 36), that depicts increments of time, e.g. seconds or any suitable metric can be represented by the ruler, for example the indices of the events in a sequential), **automatically arranges the types of media** (Davis '697 at col. 2, lines 31-67, discloses an automatic time-based media processing system, wherein the media signal is processed in a media parser to obtain descriptive representation of its content. Each content representation is data that provides information about the media signal, and is functionally dependent on the media signal, such as: frames, timecodes, movies, television programs, music videos, etc.),

Davis '697 does not explicitly teach, **addresses indicating locations of the media content, and the addresses per extracted time information, and addresses in an order of representation thereby automatically convert the structure description data into representation description data that specifies an order of representation and synchronization information of the segments**, however (Jain'234 at col. 1, line 1 through col. 2, line 15, discloses a multimedia cataloger with plurality sync encoders, that is automatically watch, listen to and read a video stream, the multimedia cataloger intelligently extracts metadata-key-frames, time codes, textual information and an audio profile from the video in real-time, wherein frame-accurate index that provides immediate, non-linear access to any segment of the media, further more detailing Jain'234 at col. 5, line 6 through col. 7, line 20, discloses the detailing of "Vidsync" process of encoding MPEG files, wherein GUI is utilizing to mark in- and out-times, and type in associated alphanumeric data. Each bar in the Clip Track consists of a user-defined group of metadata fields that are application specific. The bar length is timespan from intime to outtime. Clips may be overlapping and metadata may include: Story Title, Report, Location, Shot Date, Air Date, Keywords, Summary, and so on).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Davis '697 teaching, that provides an automatic time-based media processing system, wherein the media signal is processed in a media parser to obtain descriptive representation of its content, to include a means of indicating the address locations of the media content, and the addresses per extracted time information, and addresses in an order of representation thereby automatically convert the structure description data into representation description data that specifies an order of representation and synchronization

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information of the segments of Jain'234. One of ordinary skill in the art would have been motivated to modify this combination to improve the time-based media processing system, which is capable of providing high quality, adaptive, efficient, re-usable of media content without the without requiring a significant level of skill on the part of the user, and is therefore suited for use by the average consumer (as taught by Davis'716 at col. 2, lines 7-18).

**In regard to independent claim 11,** incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale, ...**selection condition... media content score**, however (Jain'234 at col. 5, line 6 through col. 7, line 20, discloses the detailing of "Vidsync" process of encoding MPEG files, wherein GUI is utilizing to mark in- and out-times, and type in associated alphanumeric data. Each bar in the Clip Track consists of a user-defined group of metadata fields that are application specific. The bar length is timespan from intime to outtime. Clips may be overlapping and metadata may include: Story Title, Report, Location, Shot Date, Air Date, Keywords, Summary, and so on), Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein media content score would have been an obvious variant of media meta data and selection condition would have been an obvious variant of GUI is utilizing to mark...to a person of ordinary skill in the art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Davis '697 teaching, that provides an automatic time-based media processing system, wherein the media signal is processed in a media parser to obtain descriptive representation of its content, to include a means of indicating the address locations of the media content, and the addresses per extracted time information, and addresses

in an order of representation thereby automatically convert the structure description data into representation description data that specifies an order of representation and synchronization information of the segments of Jain'234. One of ordinary skill in the art would have been motivated to modify this combination to improve the time-based media processing system, which is capable of providing high quality, adaptive, efficient, re-usable of media content without the without requiring a significant level of skill on the part of the user, and is therefore suited for use by the average consumer (as taught by Davis'716 at col. 2, lines 7-18).

**In regard to dependent claims 2 and 4,** incorporate substantially similar subject matter as cited in claim 1 above, and are similarly rejected along the same rationale.

**In regard to dependent claim 3, wherein the representation decryption data is a SMIL document,** however (Jain'234 at col. 8, lines 32-49, discloses media format can be in SMIL).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Davis '697 teaching, that provides an automatic time-based media processing system, wherein the media signal is processed in a media parser to obtain descriptive representation of its content, to include a means of representation decryption data is a SMIL document of Jain'234. One of ordinary skill in the art would have been motivated to modify this combination to improve the time-based media processing system, which is capable of providing high quality, adaptive, efficient, re-usable of media content without the without requiring a significant level of skill on the part of the user, and is therefore suited for use by the average consumer (as taught by Davis'716 at col. 2, lines 7-18).

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**In regard to dependent claim 12,** incorporate substantially similar subject matter as cited in claim 11 above, and further view of the following, and is similarly rejected along the same rationale, ...**a network that connects said server and said client ...**, however (Jain'234 at col. 5, lines 23-50, also see Fig. 4, provides a data network (item 250) environment, wherein all machines are connected using standardized TCP/IP network protocol).

**In regard to dependent claim 13,** incorporate substantially similar subject matter as cited in claims 11 and 12 above, and is similarly rejected along the same rationale.

**In regard to dependent claims 22, 23, 26 and 27,** incorporate substantially similar subject matter as cited in claim 1 above, and are similarly rejected along the same rationale.

**In regard to dependent claims 21 and 25,** incorporate substantially similar subject matter as cited in claim 11 above, and are similarly rejected along the same rationale.

**In regard to dependent claim 24,** incorporate substantially similar subject matter as cited in claim 3 above, and is similarly rejected along the same rationale.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272- 4103. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Quoc A. Tran*

*Patent Examiner*

*Technology Center 2176*

*August 19, 2005*

*William F. Bashore*  
WILLIAM F. BASHORE  
PRIMARY EXAMINER  
8/21/2005